IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

CRP.No. 604 of 2007()

AGAINST THE ORDER IN EP 205/05 IN
OS.124/1993 of MUNI-MAGI.COURT, PERAMBARA
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REVN. PETITIONER: RESPONDENTS/JUDGMENT DEBTORS:
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1. V.V.SHAJU, S/O.VARGHEESE, VILANGUPARA,
CHEMPANODE P.O., PERUVANNAMOOZHI, KOYILANDI TALUK.

2. LOUIS ANTONY, S/O. ANTONY,
KANHIRAKKAL THOTIYIL,
CHEMPANODE P.O., PERUVANNAMOOZHI, KOYILANDI TALUK.

3. K.J.JOY, S/O. JOSEPH, KAVIL PURAYIDAM,
CHEMPANODE P.O., PERUVANNAMOOZHI, KOYILANDI TALUK.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS: PETITIONER/DECREE HOLDER:

THE CATHOLIC SYRIAN BANK LTD.,
REPRESENTED BY THE PRINCIPAL OFFICER,
BRANCH MANAGER, CHORODE BRANCH, VADAKARA TALUK.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 604 OF 2007

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Dated this the 4th day of July, 2007.

O R D E R

This revision petition is preferred against the order of the learned Munsiff, Perambra in E.P.124/93. The decree holder, Bank has instituted the petition for arrest and detention of the judgment debtors in prison on their failure to pay the amount. The manager of the Bank was examined as PW1. In support of the contention Exts.A1 to A5 were examined. The said document reveal that each of these judgment debtors at the time of applying for loan before the Bank has submitted that they have got three acres, two acres and 50 cents etc. of land besides they have other business. Most probably, on the strength of this, the loan was advanced. Now, the contention that they are not having any means cannot be accepted. The land which is mentioned in these applications contain rubber trees and also other estate where other yielding trees are also available. So the finding of the Court below that judgment debtors has means to pay and neglecting to pay the amount is not liable to be interfered with. Therefore, the said order is confirmed. At the same time the learned counsel for the revision petition submits that if a breathing time is given her clients will be in a position to pay off the loan. Considering the

sincere request I grant six weeks time from today to the judgment debtors to wipe off the liability. Till that time, the Court below is directed not to execute the warrant of arrest and detain them in civil prison. On failure to make the payment within a period of six weeks the Court is at liberty to execute the arrest warrant as contemplated under law.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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